Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **FP/41/14/**

LOCATION: Gull Point
Outram Road
Bognor Regis

PROPOSAL: Regularisation of existing solar panels to south elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective application for the erection of solar panels on the south elevation of the building.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Sea wall and dwarf wall to the front of the site.
SITE CHARACTERISTICS	Newly constructed 3 storey building on the seafront of Felpham. Rendered and painted with solar panels facing directly towards the south on a raised first floor platform.
CHARACTER OF LOCALITY	Predominantly housing with sea front cafeteria and a hotel in the vicinity.

RELEVANT SITE HISTORY

FP/153/08/	2 No semi-detached and one detached sea front town houses - Re-submission following FP/271/07/	ApproveConditionally 24-09-2008
FP/49/09/	Refurbishment of Sea Bank and Sea Lodge including revised front and side elevations. Demolition of Sea Grit and the construction of a new 3/4 storey detached house.	ApproveConditionally 17-06-2009
FP/35/12/NMA	Application for a non-material amendment following a grant of planning permission FP/49/09/ to amend brickwork colour on lower half and slight increase to size of the top storey	Approve 08-03-2012

FP/247/12/	Retention of garden shed	ApproveConditionally 11-04-2013

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council:
Objection: It spoils the street scene, is unsightly and does not complement the Felpham Promenade.

Others:
2 letters of objection: The architects drawings minimise the awful visual effect of the sloping solar panel. The array sticks out and is especially visible when approaching from the Felpham side. It is an eyesore especially for a building in such a prominent position. It should not be sited where it is, it would be better one floor down, below the level of the promanade. It makes the building look like an industrial building.

Comments on Representations received:

Parish Council:
Noted. It is considered that the panels are sited to gain maximum solar gain and are placed as discretly as is possible with such technology.

Others:
Noted. The panels are sighted to achieve maximum solar gain, which could not be achieved on the ground level, which is also subject to potential flooding.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN21	Renewable Energy
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		ECC DM1 Renewable Energy ECC SP1 Adapting to Climate Change QE SP1 Quality of the Environment SD SP1 Sustainable Development SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:
The site is within the built up area boundary where development is acceptable subject to normal development control criteria such as visual and residential amenity. The proposal is retrospective therefore the determination is to whether or not the solar panels cause any visual harm.

POLICY GEN21 RENEWABLE ENERGY:
This policy states that planning permission will be granted for development for renewable energy generation provided that there is no significant harmful environmental effect on the quality of the natural and built environments, there is no unacceptable impact on the amenity of neighbouring residents or on public safety, and it will make a contribution to meeting the need on a local, national or regional basis for the reduction in emissions of damaging greenhouses gases. The panels are directed away from neighbouring properties, and they reduce the need to rely on non renewable energy. It may or may not contribute to the national grid, but on a small scale this is contributing to the reduction in green house gases. Therefore it is considered that the proposal conforms to policy.

EMERGING POLICY ECC DM1 RENEWABLE ENERGY:
This policy states that the Council will support renewable energy development provided that the proposal is located and designed to minimise adverse impact to the lanscape and other criteria (a) to (h) which is applicable to large scale development. The panels are located at the first floor level to avoid damage from potential flooding at ground floor level and are angled in a south westerly direction to maximise the solar gain. They are on a raised platform which is level with the promanade. It is considered that this location is pragmatically the most suitable, because to place it on a higher level would be more visually distracting. It is therefore considered that the proposal conforms to this policy.

NATIONAL PLANNING POLICY FRAMEWORK:
Paragraph 93 states that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. Paragraph 97 states that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources. Paragraph 98 states that when determining planning applications local planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. It is considered that this application is one of these small scale projects and is therefore in accordance with national policy.

VISUAL AND RESIDENTIAL AMENITY:
The siting of the panels are angled on the side of the building furthest away from residential dwellings. They are angled to gain the most of the sun by facing south westerly. Given this, the location on the raised platform at first floor level adjacent to the sea wall is less prominant than it would be at a higher level. As the site is liable to flooding from the sea, it would not be prudent to locate them at ground floor level. Therefore, on balance, it is not considered that the location results in any significant loss of visual amenity or neighbour amenity.

SUMMARY:

The existing solar panels are not considered on balance to cause any significant visual harm as they have been placed in a location to maximise solar gain and to avoid any significant visual harm, therefore it is recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

Human Rights Act:
The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (8) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal none of the following impacts (negative, Neutral or positive) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

1 In the event of the solar panels for which permission is hereby granted cease to be used for the generation of renewable power they shall be demolished and removed from the site within 3 months.

Reason: To safeguard the visual amenities of the area in accordance with policy GEN7 of the Arun District Local Plan.

2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National

Planning Policy Framework.